

KIMBERLY WRIGHT

*Defendant,*

VS.

POWERES KIRN & ASSOC, LLC

MATTHEW J. MCDONNELL, ESQUIRE

EIGHT NESHAINY INTERPLEX, STE 215

TREVOSE, PA 19053

*Plaintiff(s),*

WILMINGTON SAVINGS FUND SOCIETY, FSB D//B/A CHRISTIANA TRUST, NOT INDIVIDUALLY  
BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST 120 SOUTH 6TH ST.  
MINNEAPOLIS, MN 55402,

*Plaintiff(s),*

FILED  
HARRISBURG, PA

2018 MAR 27 PM 3:08

CLERK  
U.S. BANKRUPTCY COURT

KD

**UNITED STATES BANKRUPTCY COURT**  
**MIDDLE DISTRICT OF PENNSYLVANIA**

**MOTION TO DISMISS PROCEEDINGS**

**NO: 2015-SU-004163-06**

**RE.: SHERIFF'S SALE FOR APRIL 9, 2018**

1. Plaintiff(s) has filed a lawsuit seeking foreclosure of certain real property located in York, PA.
2. Plaintiff(s) has filed escalated foreclosure costs/fees, and extreme fees in miscellaneous corporate advances. Defendant(s) opposes these fees. Plaintiff(s) fore closure cost must be reasonable and have actually incurred before they can be entered against the Defendant(s). The Defendant(s) seek assistance of the court to request Plaintiff(s) to provide written proof with full explanation of the actually mortgage amount due. The Plaintiff(s) is using unfair and deceptive acts and practices regarding the mortgage amount due. The Plaintiff(s) has undefined fees, is illegally "pyramiding" late fees and accellerating attorney's corporate advances.
3. Plaintiff has failed to provide the name and address as required by Federal Law of the

new mortgage/loan mortgagor. The Plaintiff refuse to identify the owner of the alleged debt. I would like to request the court to appoint a "referee" to determine the full amount that would be owed to the lender in the foreclosure.

4. Plaintiff has failed to allow payments under 341 meeting as so has accelerating foreclosure process disregarding pending court decision as a result plaintiff's complaint should be dismissed. PARCP 3183(b). Plaintiff's pleadings fail to contain sufficient facts to establish who the actual Plaintiff is and its relationship to Defendant and to the claim for foreclosure of the subject promissory note. Plaintiff is not the real party in interest and is not shown to be authorized to bring this action. In re: Shelter Development Group, Inc., 50 B.R. 588 (Bankr.S.D.Fla. 1985)

5. Initially, plaintiff's complaint should be dismissed for lack of standing and the failure of the proper information on paperwork in filing. The Exhibit "A" unofficial document Corporate Assignment of Mortgage identifies the documents are attest, by George Edward Wellock, identified as the Vice President of Loan Documentation, which is false and appears to be unauthorized, George Edward Wellock position is employed as Mortgage Processor. George Edward Wellock is listed to have attested the assignment of Mortgage, also as the Vice President, as notarized by Notary Jennifer Rae Anderson. Verification of George Wellock to be a authorized signatorie must be properly identified and the compacity of the signor must be known by the notary. This hasn't been verified since the mortgage processor is not the Vice President as signed by George E. Wellock.

6. Initially, plaintiff's complaint should be dismissed for lack of standing and the failure of the proper party (Mortgagor) to file the lawsuit. Although the note and mortgage clearly identify (*Wells Fargo Home Mortgage, NA*; The plaintiff's has listed the lender as (*WILMINTON SAVINGS FUND SOCIETY, FSB* but has not listed the Owner of the Note. The complaint specifically is (*WILMINTON SAVINGS FUND SOCIETY, FSB*) which is incorrectly identified as the Plaintiff has not any discretion or authority in the foreclosure process and as a result the complaint should be dismissed. Failure of the proper plaintiff to prosecute this action.

7. Plaintiff's complaint should also be dismissed for the failure to attach the original note as well as possible notations and/or amendments, identified solely in the original note.

8. Plaintiff's has been advertising the Defendant(s) occupied home via Zillow disclosing the full address, pictures, while Defendant is establishing payment through 341 meeting, Plaintiff is causing further stress to Defendant, whom is trying to rectify the conditions. The Fair Debt Collection Practices Act §§ 1692-1692p. As amended by Public Law 111-203, title X, 124 Stat. 2092 (2010) (4) The advertisement for sale of any debt to coerce payment of the debt. § 806. Harassment or abuse.

9. As a result of these deficiencies, plaintiffs have failed to state a cause of action and the

complaint should be dismissed.

WHEREFORE, Defendant(s) *Kimberly Wright*, respectfully request the Court to grant the instant Motion to Dismiss or Stay and for such other and further relief as this Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via US Mail this 9 day of March, 2018 to POWERS KIRN & ASSOC, LLC, MATTHEW J. MCDONNELL, ESQUIRE EIGHT NESHAINY INTERPLEX, STE 215 TREVOSE, PA 19053 Dated this 9<sup>th</sup> day of March, 2018

KIMBERLY WRIGHT, prose

2536 EASTON BLVD #122

YORK, PA 17402



*Kimberly Wright*

Defendant(s)

vs.

*Wilmington Savings Fund Society, FSB  
D/B/A Christiana Trust, not individually  
but as trustee for Pretium Mortgage  
Acquisition trust is 120 So. 6th st.,  
Suite 2100, Minneapolis, MN 55402.,*

*Powers Kirn & Associates, LLC  
Attorneys for Plaintiff  
Eight Neshaminy Interplex; Suite 215  
Trevose, PA 19053*

Plaintiff(s)

**UNITED STATES BANKRUPTCY COURT**  
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**Certificate of Service**

I hereby certify that a copy of was sent by first class mail, postage pre-paid, upon the following on the date listed below:

*Powers Kirn & Associates, LLC  
Attorneys for Plaintiff  
Eight Neshaminy Interplex; Suite 215  
Trevose, PA 19053*

*Wilmington Savings Fund Society, FSB,  
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